

1 SUE CAMPBELL
2 Attorney at Law, State Bar Number 98728
3 1155 North First Street, Suite 101
4 San Jose, California 95112
5 Phone: (408) 277-0648
6 Fax: (408) 938-1035

E-filed 3/24/06

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8 Attorney for Plaintiffs
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 BOB TRAGNI AND WILLIAM T.
11 BARROW, AS TRUSTEES OF THE
12 INTERNATIONAL BROTHERHOOD OF
13 ELECTRICAL WORKERS LOCAL 332
14 HEALTH AND WELFARE AND PENSION
TRUST FUNDS, NEBF, JEIF, NECA
SERVICE CHARGE, NECA, DUES
CHECK OFF AND APPRENTICESHIP
TRAINING TRUST FUNDS,

CASE NO.: C06-00751 JF

REQUEST FOR
DISMISSAL OF
ENTIRE ACTION

15 Plaintiffs,

16 vs.

17 MILLARD TONG CONSTRUCTION CO.,
a California Corporation;

18 Defendants.

20 Comes now the Plaintiffs BOB TRAGNI AND WILLIAM T. BARROW, AS
21 TRUSTEES OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
22 LOCAL 332 HEALTH AND WELFARE AND PENSION TRUST FUNDS, NEBF, JEIF,
23 NECA SERVICE CHARGE, NECA, DUES CHECK OFF AND APPRENTICESHIP
24 TRAINING TRUST FUNDS in the above-entitled action and hereby dismiss the entire action
25 without prejudice as to every party.

26 No answer has been filed in this matter. The defendant has paid all monies requested in
27 the complaint for July 2005 through December 2005. This dismissal specifically does not waive
28 the right of the Trust Funds to audit the employer for the above time period, or any other time

1 period, and to collect any additional monies found to be delinquent as a result of an audit
2 through a subsequent legal action.

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4 Dated: March 16, 2006


SUE CAMPBELL
Attorney for Plaintiffs

6 IT IS SO ORDERED.
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8 3/23/06


JUDGE JEREMY FOGEL
UNITED STATES DISTRICT COURT

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1 PROOF OF SERVICE BY MAIL

2 I, the undersigned, say:

3 That I am now and at all times herein mentioned a citizen of the United States,
4 over the age of eighteen years, a resident of Santa Clara County, California, and not a party to
5 the within action or cause; that my business address is 1155 North First Street, Suite 101, San
6 Jose, California; that I served a copy of the attached REQUEST FOR DISMISSAL OF ENTIRE
7 ACTION by placing said copy in an envelope addressed to

8 MILLARD TONG CONSTRUCTION CO.
9 Pier 50 B Main Office
9 San Francisco, CA 94107

10 which envelope was then sealed and, with postage fully prepaid thereon, was on March 16,
11 2006, deposited in the United States mail at San Jose, California; that there is delivery service
12 by United States mail at the place so addressed.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed on March 16, 2006, at San Jose, California.

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16 CHRISTINE DELGADILLO

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